

BANDO, T.  
Appln. No.: 10/781,868  
May 24, 2007

### **REMARKS/ARGUMENTS**

Reconsideration and allowance of this application are respectfully requested.

Currently, claims 1-24 are pending in this application.

#### **Substitute Specification**

The original specification has been replaced with a substitute specification. Attached hereto is a marked-up version of the original specification showing the changes made. It is believed that no new matter has been added to the original specification.

#### **Rejection Under 35 U.S.C. §101**

Claims 11-20 were rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. In particular, the Office Action states that these claims are “unclear as to whether the storage medium is a computer readable storage medium and if the code is in executable form.” So that there is no doubt about this issue, independent claim 11 has been amended to require “A computer readable storage medium having recorded therein [a] an executable game program causing a computer....” Applicant thus requests that rejection of claim 11-20 under 35 U.S.C. §101 be withdrawn.

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**Rejections Under 35 U.S.C. §102 and 103**

Claims 1-7, 10-17 and 20 were rejected under 35 U.S.C. §102 as allegedly being anticipated by Truchsess (U.S. '726). Applicant respectfully traverses this rejection.

For a reference to anticipate a claim, each element must be found, either expressly or under principles of inherency, in the reference. Each element of independent claim 1 is not found in Truchsess. For example, the claimed element “a moving speed calculating section for, based on the acceleration operation input data and the deceleration operation input data input via the operating section, calculating a moving speed of the object in a game space; [and] a read start address calculating section for selecting, based on operation input data input via the operating section, either one of the acceleration sound data or the deceleration sound data which are stored in the acceleration sound storage section and the deceleration sound storage section respectively, and for calculating a read start address of selected sound data in accordance with a current moving speed of the object in the game space,” is not found in Truchsess. Truchsess also fails to disclose “a moving speed calculating step for, based on the acceleration operation input data and the deceleration operation input data input via the operating section, calculating a moving speed of the object in a game space; [and] a read start address calculating step for selecting, based on operation input data input at the input step, either one of the object's acceleration

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sound data or deceleration sound data, which are sequential to each other and previously stored in respective continuous address spaces, in accordance with a current moving speed of the object in the game space, and for calculating a read start address of selected sound data corresponding to the current moving speed of the object,” as required by independent claim 11.

Truchsess does not disclose calculating a moving speed of an object in a game space in response to an operation of an operating section (e.g., pressing or releasing a switch on a controller). For example, Truchsess selects a segment having a “pitch” which approximates a “pitch” of sound data currently played back, and then plays back the segment from the beginning thereof. In other words, Truchsess directly selects a segment simply in response to an operation of pressing or releasing a switch. Truchsess does not calculate, based on the operation of the switch, a moving speed of an object in a game space so as to select a segment corresponding to the calculated moving speed. Thus, Truchsess does not perform segment selections corresponding to various game situations.

On the other hand, the present invention calculates a moving speed of an object (e.g., vehicle) in a game space, based on operation input data (acceleration operation input data and deceleration operation input data) inputted from an operating section, and calculates a read start address of sound data in accordance with the calculated moving speed of the object. Accordingly, the present invention is capable of changing

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the read start address of sound data in accordance with various game situations. For instance but without limitation, when, although the same operations are being performed, the moving speed of the object changes due to changes in road condition in the game space (e.g., a change in friction between the road and vehicle tires, or when the road traveled by a vehicle has an ascending slope or descending slope), the read start addresses of various sound data corresponding to the moving speed (which is affected by road condition) are calculated accordingly.

Applicant therefore requests that the rejection under 35 U.S.C. §102 be withdrawn.

Claims 8-9 and 18-19 were rejected under 35 U.S.C. §103 as allegedly being anticipated by Truchsess in view of Klayman (U.S. 468). Since claims 8-9 depend from claim 1 and claims 18-19 depend from claim 11, all of the comments made above with respect to Truchsess apply equally to claims 8-9 and 18-19. Klayman fails to resolve the above-described deficiencies of Truchsess. Applicant thus requests that the rejection under 35 U.S.C. §103 be withdrawn.

#### **New claims**

New claims 21-23 have been added. New independent claim 21 requires, *inter alia*, “calculating a current velocity of the game object upon receipt of a signal representing an acceleration or deceleration of the game object from a game controller, reading the data associated with the calculated current velocity, [and]

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converting the data associated with the current velocity to a sound.” Applicant thus submits that claims 21-23 are allowable.

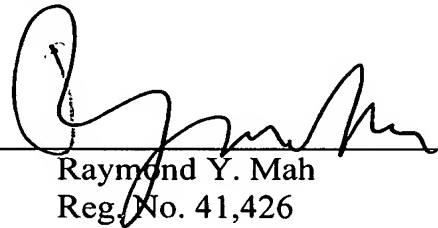
**Conclusion:**

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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